IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

MFA.No. 110 of 2003

OP(MV.589/1996 of M.A.C.T., THALASSERY
.....

APPELLANT: PETITIONER

LT.COL.M.T.RADHAKRISHNAN,
S/O. LATE A.M.GOPALAN, ARYABHAVAN, P.O.CHOVVA,
KANNUR-6.

BY ADV. SRI.GRASHIOUS KURIAKOSE

RESPONDENTS: RESPONDENT
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1. ABDUL NAZIR P.B.
S/O. B.K.MAMMOAHAJI, MISIRIYS MANZIL,
CHIRAKKARA, THALASSERY.

2. NEW INDIA INSURANCE CO., KANNUR

BY ADV. SRI.A.C.DEVY

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 10/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ

M.F.A. 110/2003

Dated this the 10th day of September, 2007

JUDGMENT

Radhakrishnan, J

Appeal is filed against the award in O.P.(MV). 589/96 of the Motor Accident Claims Tribunal, Thalassery. Petitioner was a pillion rider of a scooter. While he was travelling in the scooter on 10.11.1995 at 21.15 hours, a motor car bearing registration No.KCE 684 owned and driven by the first respondent in a rash and negligent manner knocked down the appellant causing him serious injuries. Motor cycle was driven by his son. Petitioner/appellant filed O.P.(MV).590/1996 for compensation and the Tribunal awarded an amount of Rs.68,050/- to the son. Petitioner was hospitalised for 87 days. Claiming additional compensation, the appellant has preferred this appeal.

Considering the fact that the petitioner was hospitalised for 87 days for pain and sufferings, instead of Rs.15,000 we are inclined to award Rs.30,000/-. To compensate the discomfort, loss of amenities and enjoyment of life, an amount of Rs.10,000/- is awarded

instead of Rs.9,000/-. In all, an additional compensation of Rs.16,000/- is awarded with 7% interest per annum from the date of the petition, till payment. The amount would be paid within three months from the date of receipt of a copy of this judgment.

Appeal is disposed of as above.

K.S.RADHAKRISHNAN
Judge

A.K.BASHEER
Judge

mrcs